

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ARTHUR “JACK” SCHUBARTH,

Defendant.

No. CR 24-06-GF-BMM

ORDER

United States Magistrate John Johnston entered Findings and Recommendation in this matter on March 12, 2024. (Doc. 20.) Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. §636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Johnston recommended this Court accept Jack Schubarth’s

(Schubarth) guilty plea after Schubarth appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered his plea of guilty to one count of Conspiracy to violate the Lacey Act and one count of Lacey Act Trafficking as charged in the Information. I find no clear error in Judge Johnston's Findings and Recommendation (Doc. 20), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

DATED this 2nd day of April, 2024.



Brian Morris, Chief District Judge
United States District Court